

# Section 332

## **SEC. 332. TEMPORARY AUTHORITY FOR CONTRACTOR PERFORMANCE OF SECURITY- GUARD FUNCTIONS TO MEET INCREASED REQUIREMENTS SINCE SEPTEMBER 11, 2001.**

### **(a) CONTRACT AUTHORITY -**

The Secretary of Defense or the Secretary of a military department may enter into a contract for any increased performance of security-guard functions at a military installation or facility under the jurisdiction of the Secretary undertaken in response to the terrorist attacks on the United States on September 11, 2001, and may waive the prohibition under section 2465(a) of title 10, United States Code, with respect to such contract, if --

- (1) without the contract, members of the Armed Forces are or would be used to perform the increased security-guard functions; and
- (2) the Secretary concerned determines that --
  - (A) the recruiting and training standards for the personnel who are to perform the security-guard functions at the installation or facility under the contract are comparable to the recruiting and training standards for the personnel of the Department of Defense who perform security-guard functions at military installations and facilities under the jurisdiction of the Secretary;
  - (B) the contractor personnel performing such functions under the contract will be effectively supervised, reviewed, and evaluated; and
  - (C) the performance of such functions by the contractor personnel will not result in a reduction in the security of the installation or facility.

### **(b) INCREASED PERFORMANCE DEFINED -**

In this section, the term 'increased performance', with respect to security-guard functions at a military installation or facility,

means --

(1) in the case of an installation or facility where no security-guard functions were performed as of September 10, 2001, the entire scope or extent of the performance of security-guard functions at the installation or facility after such date; and

(2) in the case of an installation or facility where security-guard functions were performed within a lesser scope of requirements or to a lesser extent as of September 10, 2001, than after such date, the increment of the performance of security-guard functions at the installation or facility that exceeds such lesser scope of requirements or extent of performance.

**(c) EXPIRATION OF AUTHORITY -**

The authority for contractor performance of security-guard functions under this section shall terminate at the end of the three-year period beginning on the date of the enactment of this Act. The term of any contract entered into using the authority provided by this section may not extend beyond the end of such period. (d) NEEDS ASSESSMENT AND PLAN- Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall --

(1) identify any requirements for the performance of security-guard functions at military installations and facilities under the jurisdiction of the Secretary or the Secretary of a military department that are expected to continue for more than three years after the date of the enactment of this Act and, in the absence of further action by the Secretary or Congress, would otherwise be performed by members of the Armed Forces; and

(2) submit to the congressional defense committees a plan for meeting those requirements on a long-term basis.

